

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 23 MAR 2006

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Applicant's or agent's file reference 20402229KC	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/SG2004/000382	International filing date (day/month/year) 24 November 2004	Priority date (day/month/year) 27 November 2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. G06F 19/00 (2006.01) G06F 17/30 (2006.01) G09B 5/02 (2006.01)		
Applicant AGENCY FOR SCIENCE, TECHNOLOGY AND RESEARCH et al		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:</p> <div style="margin-left: 40px;"> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> </div> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application	
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Date of submission of the demand 27 September 2005	Date of completion of this report 06 March 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer S KAUL Telephone No. (02) 6283 2182

Box No. I **Basis of the report****1.** With regard to the language, this report is based on:

- ☒ The international application in the language in which it was filed
- ☐ A translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-14 as originally filed/furnished
- pages* received by this Authority on _____ with the letter of _____
- pages* received by this Authority on _____ with the letter of _____
- ☒ the claims:
- pages as originally filed/furnished
- pages* as amended (together with any statement) under Article 19
- pages* 15-19 received by this Authority on 27 September 2005 with the letter of the same date
- pages* received by this Authority on _____ with the letter of _____
- ☒ the drawings:
- pages 1/6-6/6 as originally filed/furnished
- pages* received by this Authority on _____ with the letter of _____
- pages* received by this Authority on _____ with the letter of _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-18	YES
	Claims 19-35	NO
Inventive step (IS)	Claims	YES
	Claims 1-35	NO
Industrial applicability (IA)	Claims 1-35	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

D1: *The RSNA MIRC Authoring Tool MIRCcat Release Alpha-4*

D2: A. Rosset et al, *Integration of a Multimedia Teaching and Reference Database in a PACS Environment*

D3: E. Weinberger et al, *MyPACS.net: A Web-Based Teaching File Authoring Tool*

D4: CA 2,244,549 A1 (HENRI et al)

D5: US 2003/0208477 A1 (SMIRNIOTOPOULOS et al)

D6: E. Siegel et al, *Electronic Teaching Files: Seven-Year Experience Using a Commercial Picture Archiving and Communication System*

D7: T. Lim et al, *MIRIP (Medical Image Repository Interface with PACS): A Neuroradiology MIRC Database*, presentation abstract

D8: *The MIRCdocument Schema, Version 8.0*

NOVELTY (N) and INVENTIVE STEP (IS) claims 1-35

Claims 1-18 and 35: These claims lack inventive step in light of D1, D2, D3 and D5. The invention of claim 1 is distinguished from each of these documents only by its use of an anonymisation code to replace each item of patient sensitive information. (All the identified citations disclose the anonymisation of patient data in some form.) While you have argued that this difference constitutes an inventive step because "the feature is not a well known aspect of PACS and MIRC servers," and that "sensitive information is usually encrypted as a whole," I find this argument to be unpersuasive. The use of anonymisation codes cannot be seen to be inventive, since it merely replaces the sensitive data with a random code by which an authorised person may retrieve the sensitive data. Techniques such as this are commonplace in the larger arena of database design, and a person skilled in the art would readily access this knowledge when implementing any of the cited systems. As previously discussed, the claims which depend on claim 1 are seen to lack inventive step when their features are not already disclosed in the cited art.

(Continued in supplemental box.)

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 19 is not fully supported by the description, since it defines no working inter-relationship between the integers of the claim.

In claim 22, there is not antecedent to "the image server."

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V, item 2

Claims 19-35: These claims still lack novelty and/or inventive step in comparison to document D1, which discloses a database (the directory structure containing the teaching files; the "DICOM Store"), an image retrieval interface ("DICOM Q/R Tab"), a MIRC server ("Export Site") and a graphical user interface (screenshots).

Claim 19, at least: This claim is still seen to lack novelty in comparison to D7, which discloses a database ("neurological disease databases"), an image retrieval interface ("Picture Archive and Communications System"), a MIRC server ("MIRC;" the presence of a server is implicit) and a graphic user interface (Windows or other OS on which the system runs).

Claims 19-35: Each of D2, D3 and D5, when combined with D8, discloses all the essential features of the claimed invention. A skilled addressee would readily make the above combinations, since the MIRC schema described in D8 is aimed at standardising systems of the type described in D2-D6. The first group of documents discloses an image retrieval interface (PACS) and personal database for images of various formats, and a graphical user interface; D8 discloses a MIRC server.